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Attorneys for Plaintiff
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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO GARCIA ET AL,

Defendants.

CASE NO. 1:21-CR-00041-DAD-BAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: October 27, 2021
TIME: 1:00 p.m.
COURT: Hon. Barbara A. McAuliffe

This case is set for STATUS CONFERENCE on October 27, 2021. Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 27, 2021.
2. By this stipulation, the parties move to continue the status conference until January 26, 2022, the same date as the proposed status conference for the codefendant in this case, and to exclude time between October 27, 2021, and January 26, 2022, under 18 U.S.C. § 3161(h)(3)(A).
3. The parties agree and stipulate, and request that the Court find the following:
 - a) On July 16, 2021, the Honorable Stanley A. Boone, U.S. Magistrate Judge in and for the Eastern District of California signed a Pretrial Release Violation Petition and issued a bench warrant for the arrest of Isaiah Garcia. The Petition alleges that "on July 15, 2021, the defendant failed to return home by his Court ordered curfew of 8:00 p.m. All attempts to contact

and locate the defendant have been unsuccessful and his current whereabouts are unknown.”

b) The U.S. Marshals have made and continue to make attempts to locate the defendant but have been unable to find him. His whereabouts are unknown and cannot be determined by due diligence.

c) Isaiah is absent, as “his whereabouts are unknown and, in addition, he is attempting to avoid apprehension or prosecution or his whereabouts cannot be determined by due diligence.” *See* 18 U.S.C. § 3161(h)(3)(B).

d) The Speedy Trial Act provides that “[a]ny period of delay resulting from the absence . . . of the defendant . . .” “shall be excluded in computing the time . . . within which the trial . . . must commence.” 18 U.S.C. § 3161(h)(3)(A).

e) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence, the time period of October 27, 2021 to January 26, 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(3)(A) because this period of delay has resulted from the Isaiah Garcia being absent.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 15, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ JUSTIN J. GILIO
JUSTIN J. GILIO
Assistant United States Attorney

Dated: October 15, 2021

/s/ Serita Rios
Serita Rios
Counsel for Defendant
ISAIAH GARCIA

ORDER

IT IS SO ORDERED that the status conference is continued from October 27, 2021, to **January 26, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv), h(3)(A).

IT IS SO ORDERED.

Dated: **October 18, 2021**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE